

Applicant : Noel Eneie et al.
Serial No. : 10/747,624
Filed : December 30, 2003
Page : 11 of 18

Attorney's Docket No.: 06975-
387001 / Communications 62-Utility

Amendments to the Drawings:

The attached replacement sheets of drawings include changes to Figs. 8-13 and replace the original sheets including Figs. 8-13.

In Figs. 8-13, hand-written labels have been replaced with labels generated using computer-aided design (CAD) software.

Attachments following last page of this Amendment:

Replacement Sheets (6 pages)

REMARKS

In response to the non-final Office Action of February 26, 2007, applicants ask that all claims be allowed in view of the amendment to the claims and the following remarks. Claims 1-26 are now pending in the application, with claims 1, 6, 12, and 17 being independent.

Objections to the Drawings

An objection has been made to the drawings for including hand-written labeling. By way of this amendment, applicants are submitting replacement sheets that replace the original sheets including Figs. 8-13 and in which hand-written labels have been replaced with labels generated using CAD software. Accordingly, applicants request withdrawal of the objection to the drawings.

Claim Rejections Under 35 U.S.C. § 101

Independent claims 12 and 17 have been rejected under 35 U.S.C. § 101 for allegedly failing to recite statutory subject matter.

In particular, the Office Action contends that the specification fails to provide antecedent basis for the computer readable medium recited in independent claims 12 and 17. See non-final Office Action of February 26, 2007 at page 2, lines 17-21. Applicants respectfully disagree. Applicants submit that antecedent basis for the computer readable medium is found in the written description of the application. For example, at page 3, lines 24-26, the application states:

Aspects of regulating self disclosure may be implemented by an apparatus and/or by a computer program stored on a computer readable medium.

Application at page 3, lines 24-26 (emphasis added). Moreover, even if antecedent basis for the computer readable medium was absent from the written description of the application, applicants submit that the claims comprise a portion of the written description of the application and, thus, sufficient antecedent basis for the recited computer readable is provided by the claims themselves. See 35 U.S.C. §, ¶ 2 ("The specification shall conclude with one or more claims

particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.").

The Office Action also rejects independent claims 12 and 17 under 35 U.S.C. § 101 on the grounds that it appears that a signal is not limited to a tangible embodiment. See non-final Office Action of February 26, 2007 at page 2, lines 17-21. Without conceding the propriety of the Office Action's rejection of claims 12 and 17 on such grounds, applicants have amended independent claims 12 and 17 to recite "a computer program, stored on a tangible computer readable medium" in order to advance prosecution.

For at least the foregoing reasons, applicants request reconsideration and withdrawal of the rejection of independent claims 12 and 17.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-22 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication Number 2003/0212804 (Hashemi).¹ Applicants request reconsideration and withdrawal of the rejection of claims 1-22 because Hashemi fails to describe or suggest all of the subject matter recited in amended independent claims 1, 6, 12, and 17, as described more fully below.

As amended, independent claim 1 recites a computer implemented method for regulating a level of self-disclosure in an instant messaging communications session that includes enabling user selection, on a first instant messaging participant system, of an instant messaging communications mode from among at least a first available self-disclosure mode and a second available self-disclosure mode, the first available self-disclosure mode disclosing a different amount of information about a first instant messaging participant than the second available self-

¹ The Office Action suggests that the version of 35 U.S.C. § 102(e) that existed prior to the American Inventors Protection Act (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 applies to Hashemi because Hashemi resulted directly or indirectly from an international application filed before November 29, 2000. However, applicants note that Hashemi does not appear to have resulted directly or indirectly from an international application filed before November 29, 2000. In fact, Hashemi does not appear to claim priority to any international application. Rather, Hashemi appears to have been filed as a United States utility patent application on May 9, 2002. Accordingly, applicants submit that the current version of 35 U.S.C. § 102(e) applies to Hashemi.

disclosure mode. In addition, the method includes enabling creation, on the first instant messaging participant system, of a multimedia message clip, the multimedia message clip including both audio and video, enabling editing of the multimedia message clip according to the selected communications mode, and enabling presentation, to a second instant messaging participant system, of the edited message clip.

Hashemi fails to describe or suggest, at least, enabling user selection of an instant messaging communications mode from among at least a first available self-disclosure mode and a second available self-disclosure mode, the first available self-disclosure mode disclosing a different amount of information about a first instant messaging participant than the second available self-disclosure mode, and enabling editing of the multimedia message clip according to the selected communications mode, as recited in independent claim 1. Rather, Hashemi describes a media clip sharing system that enables users to share pre-recorded media clips (including both audio and audio-video clips) without actually transferring the file(s) in which the media clips are stored. See Hashemi at Abstract. As described by Hashemi, members of a peer group may use the media clip sharing system to designate certain media clips stored on local computers as media clips to be shared with (i.e., made available to) other members of the peer group. See, e.g., Hashemi at paragraphs [0021]-[0027] and [0038]-[0049]. Individual members of the peer group then may use the media clip sharing system to access the media clips designated as shared by the other members of the peer group. See, e.g., Hashemi at paragraphs [0021]-[0027] and [0038]-[0049].

In particular, Hashemi describes presenting a user interface to a user that includes, among other features, a media clip browse window that indicates various media clips that have been made available to the user by other members of the user's peer group. See, e.g., Hashemi at paragraphs [0021]-[0027] and [0038]-[0049]. In response to the user selecting a particular one of the media clips listed in the media clip browse window, the selected media clip is streamed to the user. See, e.g., Hashemi at paragraphs [0021]-[0027] and [0038]-[0049]. As described by Hashemi, the user interface also may include a chat window that enables the user to chat with other members of the peer group while a media clip is being streamed to the user, thereby

enabling the user to discuss various different aspects of the media clip with other members of the peer group as the media clip is streamed to the user. See, e.g., Hashemi at paragraphs [0021]-[0027] and [0038]-[0049].

Importantly, Hashemi does not describe or suggest enabling user selection of an instant messaging communications mode from among at least a first available self-disclosure mode and a second available self-disclosure mode, the first available self-disclosure mode disclosing a different amount of information about a first instant messaging participant than the second available self-disclosure mode, as recited in independent claim 1. The Office Action contends that Hashemi describes enabling selection of an instant messaging communications mode from among at least a first available mode and a second available mode because Hashemi describes streaming both audio and audio-video media clips to a user. See non-final Office Action of February 26, 2007 at page 4, lines 4-9.

As discussed above, Hashemi describes streaming a particular media clip – be it an audio media clip or an audio-video media clip – to a user in response to the user having selected the particular media clip from a list of available media clips. Stated differently, Hashemi describes streaming an audio media clip to a user when the media clip selected by the user only includes audio and streaming an audio-video clip to a user when the media clip selected by the user includes both audio and video. Thus, Hashemi's teaching of streaming both audio and audio-video clips to a user amounts to, at most, a disclosure of enabling selection of a particular media clip from a list of available media clips, not enabling user selection of an instant messaging communications mode from among at least a first available self-disclosure mode and a second available self-disclosure mode, the first available self-disclosure mode disclosing a different amount of information about a first instant messaging participant than the second available self-disclosure mode, as recited in independent claim 1

Furthermore, Hashemi simply fails to describe or suggest enabling editing of a media clip, let alone enabling editing of a multimedia message clip according to a selected communications mode, as recited in independent claim 1. Moreover, because Hashemi does not describe or suggest enabling editing of a multimedia message clip according to a selected

communications mode, it follows that Hashemi also fails to describe or suggest enabling presentation, to a second instant messaging participant system, of the edited message clip, as recited in independent claim 1.

Accordingly, for at least the foregoing reasons, applicants request reconsideration and withdrawal of the rejection of independent claim 1 and its dependent claims, claims 2-5. Amended independent claim 12 recites features similar to those discussed above in connection with independent claim 1 and does so in the context of a computer program. Therefore, for at least the reasons discussed above in connection with independent claim 1, applicants request reconsideration and withdrawal of the rejection of independent claim 12 and its dependent claims, claims 13-16.

As amended, independent claim 6 recites a computer implemented method for regulating a level of self-disclosure in an instant messaging communications session that includes, among other features, enabling user selection, on a first instant messaging participant system, of an instant messaging communications mode from among at least a first available self-disclosure mode and a second available self-disclosure mode, the first available self-disclosure mode disclosing a different amount of information about a first instant messaging participant than the second available self-disclosure mode. In addition, the method includes enabling creation, on the first instant messaging participant system, of a multimedia message clip that includes both audio and video, enabling editing of the multimedia message clip according to the selected communications mode, and enabling presentation of the edited message clip to a second instant messaging participant system.

As discussed above, Hashemi fails to describe or suggest enabling user selection of an instant messaging communications mode from among at least a first available self-disclosure mode and a second available self-disclosure mode, the first available self-disclosure mode disclosing a different amount of information about a first instant messaging participant than the second available self-disclosure mode, as recited in independent claim 6. In addition, as Hashemi also fails to describe or suggest enabling editing of a multimedia message clip

according to the selected communications mode, and enabling presentation of the edited message clip to a second instant messaging participant system.

Accordingly, for at least these reasons, applicants request reconsideration and withdrawal of the rejection of independent claim 6 and its dependent claims, claims 7-11.

Amended independent claim 17 recites features similar to those discussed above in connection with independent claim 6 and does so in the context of a computer program. Therefore, for at least the reasons discussed above in connection with independent claim 6, applicants request reconsideration and withdrawal of the rejection of independent claim 17 and its dependent claims, claims 18-22.

New Claims

New dependent claims 23-26 depend from independent claim 1. Accordingly, applicants submit that new dependent claims 23-26 are allowable at least for the reasons discussed above in connection with independent claim 1.

Conclusion

Applicants submit that all claims are in condition for allowance.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The fee in the amount of \$200 in payment of the excess claim fee is being paid concurrently herewith by way of the Electronic Filing System (EFS). Please apply any other charges or credits to Deposit Account No. 06-1050.

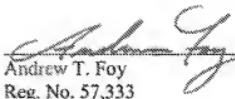
Applicant : Noel Enete et al.
Serial No. : 10/747,624
Filed : December 30, 2003
Page : 18 of 18

Attorney's Docket No.: 06975-
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Respectfully submitted,

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